

Message Text

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TAGS: PORG, EAIR, ICAO
SUBJ: ICAO: COUNCIL CONSIDERATION OF LEGAL CTE REPORT -- 22ND
SESSION (CWP 6442)

REF: MONTREAL 1932

1. MOROCCO PROPOSAL (PARA 14 REFTTEL) REOPENED DISCUSSION
ON REPORT. MOROCCO MADE ONE HOUR INTERVENTION
WHICH PROVED SO EMBARRASSING AND SO EXASPERATING THAT
PRES. INTERRUPTED WITH TWO EFFORTS TO DISCONTINUE THE
INTERVENTION. MOROCCAN REP ASKED COUNCIL TO "LISTEN
CAREFULLY" AND REPEATEDLY SAID THAT HE HAD NO INSTRUCTIONS
FROM HIS GOVERNMENT NOR OTHER GOVERNMENTS HE
REPRESENTS BUT WAS DOING A "MENTAL EXERCISE". HOWEVER
HE THOROUGHLY EMBARRASSED THE REP OF EGYPT BY
GOING INTO SOME DETAIL RE BACKGROUND ON THE "EGYPT
PROPOSAL" IN THE LEGAL CTE FOR ACCEPTANCE OF THE
"TEXT OF CONVENIENCE" APPROACH. HE SAID MOROCCO AND OTHERS
HAD SUPPORTED THAT PROPOSAL BECAUSE THE EGYPT LEGAL CTE
MEMBER TOLD THEM HE COULD NOT EXPLAIN TO HIS GOVERNMENT
WHEN HE WENT HOME IF THE CTE DID NOT SHOW SOMETHING
FOR ITS WORK. THEREFORE MOROCCO AND OTHERS'
SUPPORT WAS OF A PERSONAL NATURE ALTHOUGH THEY DIS-
AGREED COMPLETELY WITH A "TEXT OF CONVENIENCE". PRE-
SUMABLY THAT WAS THE JUSTIFICATION FOR THE MOROCCAN
PROPOSAL IN COUNCIL NOT REPEAT NOT TO GO FORWARD WITH
THE "TEXT OF CONVENIENCE." AT END OF SPEECH MOROCCO
INDIRECTLY ACCUSED COUNCIL MEMBERS OF NOT LETTING HIM
KNOW THAT THEY HAD PROBLEMS WITH HIS DECEMBER 8 PROPOSAL.

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HE THEN WITHDREW HIS PROPOSAL. SENEGAL (WHO HAD SUPPORTED)

MADE SHORTER BUT SENSITIVE SPEECH ALONG SAME LINE AND AGREED TO WITHDRAW. MADAGASCAR WITHDREW WITH BRIEF STATEMENT.

2. THEN BEGAN A SERIOUS DISCUSSION RE THE DIFFERENCE BETWEEN PARA 11 (2) AND 11 (3A) PAGE 29, DOC. 9183, LEGAL CTE REPORT -- THAT IS THE DIFFERENCE BETWEEN CONSOLIDATED TEXT OF THE INSTRUMENTS OF WARSAW AND THE "TEXT OF CONVENIENCE." SENEGAL STATED THAT HE WOULD FIGHT THE "TEXT" BECAUSE IT WAS OF NO PRACTICAL USE. LEGAL DIR SAID THAT THE "TEXT" TO BE PREPARED DOES NOT DIFFER IN SUBSTANCE FROM THE TEXT OF THE LEGAL SUBCOMMITTEE; AND SECONDLY THE "TEXT OF CONVENIENCE" MAKES NO CLAIM TO REPLACING AN INSTRUMENT OF CONSOLIDATION OF THE SYSTEM. SPAIN MADE STATEMENT FOR RECORD THAT IT REJECTS ANY INTERPRETATION THAT THE DECISION TAKEN WOULD REPLACE THE DRAFT CONVENTION BY A "TEXT OF CONVENIENCE", AND ANY EFFORT BY LEGAL BUR TO PREPARE "AN ARBITRARY COMBINATION OF INSTRUMENTS." DIR/LEGAL BUR ALSO GAVE IMPORTANT RESPONSE THAT EGYPT PROPOSAL ON "TEXT OF CONVENIENCE" WAS BECAUSE DECISION COULD NOT BE REACHED ON ONE CONSOLIDATED CONVENTION AND THEREFORE EGYPT PROPOSAL (TEXT OF CONVENIENCE) DOES NOT REPEAT NOT PUT OBLIGATION ON STATES.

3. COUNCIL THEN ADOPTED PARA 9.3 OF CWP 6442 DELETING ANY REFERENCE TO A DATE FOR STATES' COMMENTS.

4. RE ROME CONVENTION AMENDMENTS, (PARA 9.4) SINCE COUNCIL HAD CHANGED DIP/CONF TO FALL 1978, PRES RECOMMENDED THAT THIS MATTER BE NOTED AND TAKEN UP AGAIN AT A LATER DATE CLOSER TO THE DIP CONFERENCE. THEREFORE NO ACTION WAS TAKEN ON THE FIVE PARAS OF 9.4.1.

5. RE 9.5 AND THE SUBCOMMITTEE OF LEGAL CTE ON LIABILITY/ NOISE/SONIC BOOM REQUIRED NO ACTION SINCE COUNCIL HAD ALREADY POSTPONED THAT MEETING, GIVEN PREFERENCE TO LEASE, CHARTER AND INTERCHANGE.

6. USREP ASSUMES THAT ALL OF THE DECISIONS TAKEN BY COUNCIL ON THESE VARIOUS LEGAL MEETINGS HAVE MORE THAN MET THE UNCLASSIFIED

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US POSITION REQUIREMENTS.
HARPER

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